Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 1 of 14

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION		RIGHMOND DAY SIGN F L L AUG 1 3 2009
DEVELOPERS DIVERSIFIED REALTY CORPORATION, et al., Appellants,)))	U.S. BANKEUPTCY COURT
v.) No. 3:09-CV	-123-НЕН
CIRCUIT CITY STORES, INC., et al., Debtors-in-Possession)	
Appellees.)))	
BRIGHTON COMMERCIAL, L.L.C., et al.,)	
Appellants,)	
v.) No. 3:09-CV	-286-НЕН
CIRCUIT CITY STORES, INC., et al., Debtors-in-Possession Appellees.))) _)	A TRUE COPY, TESTE: LERK, U.S. DISTRICT COURT CMCCracken
ACDEEN ODNED CDA	OT. ANTING MOTION TO	DEDUTY OF EDIT

WHEREAS on June 29, 2009, Circuit City Stores, Inc. and its affiliated appellees (the "Appellees") filed their Motion to Dismiss Bankruptcy Appeal as Moot (the "Motion"); and

DISMISS BANKRUPTCY APPEAL AS MOOT

WHEREAS, the Appellees and appellants in the bankruptcy appeal styled <u>Port Arthur</u>

<u>Holdings III, LTD v. Circuit City Stores, Inc.</u>, Case No. 09-232 (the "Port Arthur Appeal"), the appellants in the bankruptcy appeal styled <u>502-12 86th Street LLC</u>, et al. v. Circuit City Stores, <u>Inc.</u>, et al., Case No. 09-190 (the "502-12 Appeal"), and appellants (collectively, the

¹ Capitalized terms not otherwise defined herein shall have the meanings ascribed to them in the Motion.

Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 2 of 14

Case 3:09-cv-00123-HEH Document 17 Filed 08/10/2009 Page 2 of 7

"Appellants") in the above-captioned consolidated bankruptcy appeal (the "Appeal") hereby agree to the relief sought in the Motion.

- 1. The Appeal is dismissed as moot.
- 2. This Order shall be dispositive, to the extent applicable, to the issues raised in the Port Arthur Appeal and the 502-12 Appeal pursuant to the Agreed Order Granting Motion to Consolidate Appeals, Establish Briefing Schedule, and Stay Appeals entered in the Appeal on May 11, 2009.

Entered: Aus. 10, 2007

United States District Court for The Eastern District of Virginia, Richmond Division Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 3 of 14

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Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 4 of 14

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Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 6 of 14

Case 3:09-cv-00123-HEH Document 17 Filed 08/10/2009 Page 6 of 7

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Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 7 of 14

Case 3:09-cv-00123-HEH Document 17 Filed 08/10/2009 Page 7 of 7

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Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 8 of 14

Case 3:09-cv-00286-HEH Document 5 Filed 08/10/2009 Page 1 of 7

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF VIRGINIA RICHMOND DIVISION

AGREED ORDER GRAN	DEDUTE	
Appellees.	BY CMC (Aacha)	
CIRCUIT CITY STORES, INC., et al., Debtors-in-Possession	A TRUE COPY, TESTE: CLERK, U.S. DISTRICT COURT	
v.) No. 3:09-CV-286-HEH	
Appellants,))	
BRIGHTON COMMERCIAL, L.L.C., et al.,))	
Appellees.)))	
CIRCUIT CITY STORES, INC., et al., Debtors-in-Possession)))	
v.) No. 3:09-CV-123-HEH	
Appellants,))	
DEVELOPERS DIVERSIFIED REALTY CORPORATION, et al.,))	

DISMISS BANKRUPTCY APPEAL AS MOOT

WHEREAS on June 29, 2009, Circuit City Stores, Inc. and its affiliated appellees (the "Appellees") filed their Motion to Dismiss Bankruptcy Appeal as Moot (the "Motion"); and WHEREAS, the Appellees and appellants in the bankruptcy appeal styled Port Arthur Holdings III, LTD v. Circuit City Stores, Inc., Case No. 09-232 (the "Port Arthur Appeal"), the appellants in the bankruptcy appeal styled 502-12 86th Street LLC, et al. v, Circuit City Stores,

Inc., et al., Case No. 09-190 (the "502-12 Appeal"), and appellants (collectively, the

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Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 9 of 14

"Appellants") in the above-captioned consolidated bankruptcy appeal (the "Appeal") hereby agree to the relief sought in the Motion.

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United States District Court for The Eastern District of Virginia, Richmond Division Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 10 of 14

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Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 11 of 14

Case 3:09-cv-00286-HEH Document 5 Filed 08/10/2009 Page 4 of 7

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Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 12 of 14

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Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 13 of 14

Case 3:09-cv-00286-HEH Document 5 Filed 08/10/2009 Page 6 of 7

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Case 08-35653-KRH Doc 4470 Filed 08/13/09 Entered 08/14/09 09:10:51 Desc Main Document Page 14 of 14

Case 3:09-cv-00286-HEH Document 5 Filed 08/10/2009 Page 7 of 7

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